

1 ARIZONA VOICE FOR CRIME VICTIMS

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8 **IN THE ARIZONA SUPREME COURT**

9 IN THE MATTER OF:

R-19-0016

10 PETITION TO AMEND THE
11 ARIZONA RULES OF CRIMINAL
12 PROCEDURE

PETITIONER'S REPLY

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16 Pursuant to Rule 28 of the Arizona Rules of the Supreme Court, Arizona
17 Voice for Crime Victims (AVCV) submitted a petition on January 10, 2019
18 seeking to integrate the rights guaranteed to victims by the Arizona Victims' Bill
19 of Rights (VBR), Ariz. Const. art. II, § 2.1, and the Victims' Rights
20 Implementation Act (VRIA), Title 13, Chapter 40 of the Arizona Revised Statutes,
21 throughout each applicable rule provision and to repeal Rule 39. On May 1, 2019,
22 comments were filed by the Maricopa County Attorney's Office (MCAO), the
23 Arizona Prosecuting Attorney's Advisory Council (APAAC), the State Bar of
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1 Arizona (State Bar), and a joint comment by the Maricopa County Public
2 Defender's Office (MCPD) and the Arizona Attorneys for Criminal Justice
3 (AACJ). The Commission on Victims in the Courts (COVIC) did not file a
4 comment. The last COVIC vote in 2018 should not be relevant to the
5 consideration of this petition due to the significant changes between AVCV's 2018
6 petition and the 2019 petition that is currently pending before this Court.
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9 MCAO supports AVCV's petition, stating that it "agrees with Petitioner that
10 integrating victims' rights into the rules will help courts and practitioners
11 appropriately adhere to those rights." *MCAO* at 1. While APAAC generally
12 supports AVCV's petition seeking to integrate victims' rights, they have offered
13 some cautionary comments that will be addressed below. *APAAC* at 2. Both the
14 State Bar and MCPD/AACJ are opposed to AVCV's petition. The comments, like
15 last year, contain some general concerns and some specific concerns and are
16 addressed below.
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18 **General Concerns**

19 ***Party Status***

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21 There is a general concern throughout the comments filed by APAAC, the
22 State Bar, and MCPD/AACJ that AVCV seeks to have victims elevated to the
23 status of a party. This is not the case. Arizona case authority is clear on the
24 matter; victims of crime are not parties to a criminal prosecution. *State v.*
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1 *Lamberton*, 183 Ariz. 47 (1995) (victim not an aggrieved party with standing to
2 file her own petition for review in a Rule 32 proceeding); *Lindsay R. v. Cohen*, 236
3 Ariz. 565 (App. 2015) (noting VBR did not make victims parties). AVCV does
4 not seek to elevate victims to the status of a party. Rather, AVCV seeks to ensure
5 that trial courts and attorneys are aware of each applicable situation where a victim
6 may assert a right guaranteed by the VBR or the VRIA.
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9 Despite not being a party to a criminal proceeding, victims do have standing
10 as participants with enforceable constitutional rights that may be asserted during
11 the process. A.R.S. § 13-4437(A); *see also* Steven J. Twist & Keelah E.G.
12 Williams, *Twenty-Five Years of Victims' Rights in Arizona*, 47 Ariz. St. L.J. 421
13 (2015). The VRIA recognizes that victims may participate in a criminal
14 proceeding to assert and enforce rights guaranteed under the VBR. A “victim has
15 standing to seek an order, to bring a special action or to file a notice of appearance
16 in an appellate proceeding, seeking to enforce any right to challenge an order
17 denying any right[.]” A.R.S. § 13-4437(A); *State ex rel. Montgomery v. Padilla*,
18 238 Ariz. 560, 566 (App. 2015) (A request for an order in a criminal case must be
19 timely, in writing, served and filed with the court. For victims, the subject matter
20 of such a request is limited and must be directed to enforcing any right or to
21 challenging an order denying any right guaranteed to victims). Thus, the fact that a
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1 victim or victim's attorney may assert rights by filing a written motion, a response,
2 or a reply does not mean that victims are elevated to party status.

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4 The purpose of AVCV's petition seeking to integrate victims' rights
5 throughout the Rules of Procedure is not to make victims a party to a criminal
6 proceeding. Rather, it is to ensure that trial court judges and attorneys receive the
7 proper guidance on when victims' rights apply in relation to the remainder of the
8 Rules. This guidance is generally lacking in Rule 39, which is evidenced by the
9 belief that a victim is not entitled to file a written motion, response, or reply.
10 While Rule 39 plainly states what rights victims' have, it gives little direction of
11 how each individual right should be applied in various situations. Integration, on
12 the other hand, will specifically lay out when victims' rights are implicated and
13 must be considered throughout the criminal justice process.

14 ***Rule Making Authority***

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16 The very language of the VBR justifies full integration in that it mandates
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18 "all rules governing criminal procedure and the admissibility of evidence in all
19 criminal proceedings protect victims' rights." Ariz. Const. art. II, § 2.1(A)(11).
20 The State Bar relies on *Slayton v. Shumway*, 166 Ariz. 87 (1990) to dispute the
21 justification for full integration, but any reliance on *Slayton* is misplaced. *State*
22 *Bar* at 3. *Slayton* involved a challenge to Prop. 104 being on the November 1990
23 ballot. *Slayton*, 166 Ariz. at 88. The challenger argued that Prop. 104 violated the
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1 single subject rule of the Arizona Constitution. *Id.* Slayton acknowledged that the
2 provisions now known as Ariz. Const. art. II, §§ 2.1(A)(1)-(10) were so
3 interrelated that they indeed formed a single subject. *Id.* However, Slayton argued
4 that the provision now known as Ariz. Const. art. II, § 2.1(A)(11), which pertains
5 to rule making authority, was not sufficiently related. *Id.* at 88-89. Slayton's
6 challenge was limited to the clause that gave rule making authority to the
7 legislature. Slayton read the provision very broadly as to transfer rule making
8 authority from this Court to the state legislature. *Id.* The Prop 104 Task Force
9 took an appropriate, narrow view of the provision by acknowledging that
10 rulemaking authority granted to the legislature is for the limited purpose of
11 protecting victims' rights. *Id.* at 92.

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15 *Slayton* is distinguishable from AVCV's petition. AVCV is not seeking to
16 amend the rules by legislative action or attempting to amend rules that do not
17 implicate victims' rights. Rather, AVCV filed its rule change petition in
18 accordance with Rule 28 of the Rules of the Arizona Supreme Court. AVCV
19 simply seeks to give effect to the VBR by ensuring that trial judges and attorneys
20 know when and how victims' rights are applicable at various times throughout the
21 criminal justice process, which will allow victims meaningful participation in the
22 day-to-day workings of the process.
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25 ***Usurping the Role of the Prosecutor***

1 APDA/AACJ additionally suggests that AVCV is attempting to intrude on
2 the “exclusive province of the state.” *MCPD/AACJ* at 10. And that integrating
3 victims’ rights into the rules of procedure would give victims’ attorneys
4 “unprecedented power,” but without the “ethical obligations and responsibilities of
5 the prosecutor.” *MCPD/AACJ* at 12. Nothing in AVCV’s proposed modifications
6 usurps the role of the prosecutor. Rather, AVCV’s proposed modifications direct
7 courts to consider victims’ rights when one may be implicated.
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10 ***Repeal of Rule 39***

11 APAAC, MCPD/AACJ, and the State Bar are opposed to repealing Rule 39.
12 *APAAC* at 9; *MCPD/AACJ* at 3; and the *State Bar* at 4. Rule 39, however, does
13 not guide trial court judges and attorneys on how to apply victims’ rights to various
14 parts of the process, which can lead to a misunderstanding of when victims may be
15 heard and when a right is implicated.
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17 Despite A.R.S. §13-4437(A) which bestows standing on a victim “to seek an
18 order, to bring a special action or to file a notice of appearance in an appellate
19 proceeding, seeking to enforce any right to challenge an order denying any right,”
20 no provision in Rule 39 guides trial courts and attorneys on how victims or
21 victims’ attorneys implement these rights. The result is there are a number of
22 attorneys practicing in Arizona’s criminal courts who are unaware that victims may
23 seek orders in writing. MCPD/AACJ and the State Bar purport that victims’
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1 attorneys may not file motions and that the right to be heard pertains to hearings
2 that may result in release. *MCPD/AACJ* at 8; *State Bar*, Exh. A at 2. To the
3 contrary, victims can be heard when a victims' right is implicated and may file
4 written pleadings with the court. *Padilla*, 238 Ariz. at 566 (A request for an order
5 in a criminal case must be timely, in writing, served and filed with the court).
6 Integration of victims' rights throughout the rules of procedure clarifies when
7 victims' rights apply and when they may be asserted, either by oral motion or
8 written motion, by a victim or a victim's counsel.

11 **Specific Concerns**

12 **Rule 1.3 Computation of Time**

13 The State Bar of Arizona states that AVCV's proposed modification of Rule
14 1.3(a)(5) to "crime victim" works to "sanction the filing of pleadings by crime
15 victims or their counsel and would elevate victims to a party." *State Bar*, Exh. A.
16 APAAC raised a similar concern that adding "or crime victim" to Rule 1.3 should
17 be clarified to be consistent with A.R.S. § 13-4437(A), which gives victims
18 "standing to seek an order, to bring a special action or file a notice of appearance in
19 an appellate proceeding" in order to enforce a right or to challenge a denial of a
20 right. *APAAC* at 4-5. Because Rule 1.3 (a)(5) pertains only to the computation of
21 time and AVCV's petition also adds a provision to Rule 1.9(b), to be clear that
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1 victims may only file motions, responses, and replies on matters that impact
2 victims' rights, this concern should be alleviated.

3 **Rule 1.5 Defendant's Appearance by Video Conference**

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5 The State Bar objects to AVCV's proposed amendment seeking to ensure
6 that any audio-visual system will allow victims a means to view and participate in
7 the proceedings and ensure all compliance with victims' rights laws. AVCV
8 merely seeks to ensure this provision will still allow a victim to be present and
9 heard regardless of how a defendant appears before a court.
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11 **Rule 1.7 Filing and Service of Documents**

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13 APAAC suggests requiring persons filing documents to serve them on the
14 victim's attorney elevates victims to party status. AVCV's proposed amendment
15 makes the rule consistent with the language of A.R.S. § 13-4437(D) which requires
16 victim's counsel to be served on all pleadings after filing a notice of appearance.
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18 **Rule 1.8 Clerk's Distribution of Minute Entries and Other Documents**

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20 APAAC suggests that requiring courts to distribute minute entries to "any
21 victim's attorney" elevates victims to party status. To the contrary, endorsing
22 victim's counsel on minute entries does not make the victims a party. Instead, it
23 allows the victim's attorney to remain informed and is consistent with the
24 requirements of A.R.S. § 13-4437(D).
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1 **Rule 1.9 Motions, Oral Arguments, Proposed Orders**

2 MCPD/AACJ suggests that amending Rule 1.9 to include victims' counsel
3 “grants a victims' attorney new rights to file motions, ask for arguments and
4 hearings, and propose court orders.” *MCPD/AACJ* at 8. The State Bar states that
5 allowing victims to file pleadings and to be heard on matters elevates victims to the
6 status of parties. *State Bar* at x. APAAC also expresses concern and suggests
7 clarification that the proposed amendments apply only to “those matters that
8 directly involve a victim enforcing a right or challenging a denial of a right.”
9 *APAAC* at 5. All of these comments fail to consider that victims have standing to
10 assert and enforce their rights under A.R.S. § 13-4437(A). If a victim or victim's
11 attorney does not have a meaningful way to assert and enforce victims' rights, then
12 the VBR will lack effect. Filing a motion, response, or reply does not elevate a
13 victim to a party. Instead, it is the proper way to seek an order. *Padilla*, 238 Ariz.
14 at 566. Media outlets often file motions in criminal matters, without their standing
15 being questioned, when a first amendment issue arises. They, like victims, are
16 asserting and enforcing rights. Further, AVCV's proposed amendments already
17 clarify that victims' counsel may only file motions, seek an oral argument or
18 hearing, and propose court orders when it pertains to victims' rights. AVCV's
19 proposed amendment to Rule 1.9(b) is already clear that “[w]hen addressing
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1 matters that impact any victim’s rights, a victim may file motions, responses, and
2 replies that comply with these rules.”

3 **Rule 4.2 Initial Appearance**

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5 The State Bar objects to AVCV’s proposed amendment to Rule 4.2(c),
6 which clarifies the rule to include a victim’s right to notice and an opportunity to
7 be present and heard. The State Bar states this right already exists in the VBR.
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9 Regardless, AVCV’s proposed amendment should be adopted.

10 **Rule 5.1 Preliminary Hearings/Continuance**

11 The State Bar is opposed to AVCV’s proposed change to Rule 5.1(c)(2)
12 requiring a magistrate to consider a victim’s speedy trial right before continuing a
13 preliminary hearing. AVCV proposes the rule read: “A magistrate may continue
14 the hearing only, if after consideration of the victim’s right to a speedy trial, the
15 court finds that extraordinary circumstances exist and that delay is indispensable to
16 the interests of justice.”
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19 The State Bar reasons that a right to a speedy trial is neither particular nor
20 unique to victims. *State Bar*, Exh. A at 4. It claims that a consideration of a
21 victim’s speedy trial right runs afoul of established case law and the rights of the
22 accused to run “subservient” to those of the victim. *Id.* at 5. The State Bar cites
23 two cases in opposition to AVCV’s proposed amendments, *State ex rel. Romley v.*
24 *Roper*, 172 Ariz. 232 (Ariz. Ct. App. 1992) and *State ex rel. Napolitano v. Brown*,

1 194 Ariz. 340 (Ariz. 1999). Yet, neither stands for the proposition that a trial court
2 judge cannot consider a victim’s right to a speedy trial. A trial judge can and, more
3 importantly, should consider the rights of all involved when making continuance
4 decisions. This Court recently noted the importance of a victim’s speedy trial right
5 in *State ex rel. Montgomery v. Gates* when it held that a capital defendant may not
6 void a pretrial waiver of an intellectual disability determination by withdrawing an
7 earlier objection. 243 Ariz. 451, ¶ 16 (Ariz. 2018) (noting that in making a post
8 waiver determination of whether a capital defendant is entitled to a pre-trial
9 determination of intellectual disability, the trial court must consider prejudice to
10 the victims including their constitutional right to a speedy trial).

14 **Rule 6.3 Duties of Counsel; Withdrawal**

15 The State Bar makes the same arguments as above and again accuses AVCV
16 of running “afoul of established caselaw by rendering the defendant’s
17 constitutional rights subservient to those of the victim.” *State Bar*, Exh. A at 5.
18 AVCV seeks mere consideration of a victims’ constitutional right to a speedy trial
19 before the court makes a decision. AVCV is not directing trial courts on how to
20 rule on these issues. Rather it is seeking to remind trial courts that the
21 constitutional rights of the victims shall also be considered in accordance with
22 Ariz. Const. art. II, § 2.1(A)(11).

25 **Rule 6.7 Appointment of Investigators and Expert Witnesses for Indigent Defendants**

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2 AVCV proposes an amendment to Rule 6.7(a): “After considering the
3 victim’s right to a speedy trial, the court should impose reasonable deadlines on
4 anyone appointed under this rule.” The provision added to Rule 6.7(a) is not a
5 substantive change and serves to remind the trial court that victims also have a
6 constitutional right to a speedy trial. Ariz. Const. art. II, § 2.1(A)(10). Additionally,
7 the VBR requires that “all rules governing criminal procedure and the admissibility
8 of evidence in all criminal proceedings protect victims’ rights[.]” *Id.* at §
9 2.1(A)(11). Rule 6.7, like any other court rule, must be read to protect a victim’s
10 constitutional right to a speedy trial. The State Bar, however, asserts this proposed
11 amendment is “unproductive and unnecessary” because defense investigators and
12 experts work for the defense attorney who is obligated to comply with speedy trial
13 rules. While that may be the case, the State Bar neglects the fact that trial courts
14 are required to take appropriate action to ensure a speedy trial for the victim.
15 A.R.S. § 13-4435 (A). This may include reminding a court appointed expert or
16 investigator that the victim also has a constitutional right to a speedy trial or setting
17 reasonable deadlines for their work.

22 **Rule 7.3 Conditions of Release**

23 AVCV proposes Rule 7.3(a)(4) read: “the defendant must not contact the
24 victim, unless the court clearly finds good cause to conclude the victim’s safety would be
25 protected without a no-contact order.” MCPD/AACJ argues this “establishes an

1 automatic order and shifts the burden to the defendant” to show good cause before they
2 can have contact with the victim. *MCPD/AACJ* at 7. AVCV’s proposed amendment is
3 consistent with the constitutional right to be treated with fairness, respect, and dignity and
4 to be free from intimidation, harassment, or abuse throughout the criminal justice
5 process. Ariz. Const. art. II, § 2.1(A)(1).
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7 **Rule 7.5 Review of Conditions; Revocation of Release**

8 Consistent with a victim’s constitutional right to be free from intimidation,
9 harassment, or abuse throughout the criminal justice process under Ariz. Const. art.
10 II, § 2.1(A)(1), AVCV proposes adding the word “abuse” to Rule 7.5(c) which
11 specifies when a victim may bring his/her own petition to revoke a defendant’s
12 bond or modify conditions of release. *MCPD/AACJ* asserts that the addition of the
13 word “abuse” gives victims a new reason to seek to modify a defendant’s release
14 conditions. *MCPD/AACJ* at 7. This is not the case. The rule already allows a
15 victim to seek modification based on harassment, threats, physical violence, or
16 intimidation by the defendant, or on the defendant’s behalf, against the victim or
17 the victim’s immediate family. Adding the word abuse makes the rule consistent
18 with the VBR.
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22 **Rule 8.1 Speedy Trial**

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1 The State Bar opposes AVCV's proposed amendment because Rule 39
2 already addresses a victim's right to a speedy trial. *State Bar*, Exh. A at 9. AVCV
3 is proposing integrating Rule 39 throughout the rules of criminal procedure.
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5 **Rule 8.5 Continuing a Trial Date**

6 The State Bar contends that AVCV's proposed amendment is unnecessary
7 and conflicts with the defendant's due process rights. *State Bar*, Exh. A at 10.
8 This Court, again, has recognized the importance of considering victims' rights
9 throughout the process. The modification suggested by AVCV to include a
10 consideration of the victim's constitutional right to a speedy trial is consistent with
11 recent decisions of this Court that victims' rights to a speedy trial and prompt and
12 final conclusion warrant consideration by trial courts. *Fitzgerald v. Myers*, 243
13 Ariz. 84 (2017); *Gates*, 243 Ariz. 451 (2018).
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16 **Rule 10.3 Changing the Place of Trial**

17 The State Bar opposes AVCV's proposed modification that would allow
18 victims to be heard on the matter and considering the victim's right to be present at
19 trial. The State Bar views this as providing the victims a right to be heard on the
20 legal justification for a change of venue. *State Bar*, Exh. A at 11. A victim's right
21 to be heard and a consideration of their right to be present are important factors
22 that trial courts should consider before granting a change in venue.
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25 **Rule 15.1 The State's Disclosures**

1 AVCV's proposed amendment includes adding language consistent with a
2 victim's constitutional right to refuse a discovery request. Ariz. Const. art. II, §
3 2.1(A)(5). APAAC acknowledges that this is consistent with a victim's
4 constitutional right to refuse a discovery request under Ariz. Const. art. II, §
5 2.1(A)(5), but notes the limited exception created by the Court of Appeals in *State*
6 *ex rel. Romley v. Superior Court (Roper)*, 172 Ariz. 232 (App. 1992). APAAC at
7 5-6. The *Roper* Court determined there are circumstances in which the VBR must
8 yield to a defendant's federal and state due process rights. *Id.* at 240. APAAC
9 proposes that the rule be amended to read "other than the victim absent a
10 determination by the court that the evidence would be exculpatory." APAAC at 6.
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AVCV does not dispute the limited exception specific to the facts of *Roper* but
does not believe it is necessary to amend the rule beyond "other than the victim."
Fully integrating victims' rights requires that the rule provisions are consistent with
the VBR and its implementing legislation. Expanding the proposed amendment
beyond that may be viewed as a substantive change in the rule. There is already
existing case authority that trial court may turn to when faced with a conflict
between the rights of a victim and the rights of the accused.

Rule 15.2 The Defendant's Disclosures

The State Bar opposes AVCV's proposed amendment to Rule 15.2(h)(1)(B)
that would require trial courts to consider a victim's speedy trial right when

1 deciding to extend the deadline for a defendant's disclosures in capital cases. They
2 contend that AVCV's proposed amendment conflicts with a defendant's right to
3 due process. *State Bar*, Exh. A at 11. However, following recent case authority of
4 this Court as mentioned above, a consideration of a victim's constitutional right to
5 a speedy trial is appropriate when trial may be delayed because of extensions given
6 to either party during discovery.
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8 **Rule 15.3 Depositions; Victims' Right to Refuse**

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10 The State Bar takes issue with AVCV amending the current heading and
11 notes that AVCV's proposed amendments duplicates what is in Rule 39. AVCV is
12 seeking integration and suggests moving the right to refuse an interview to this
13 section. As the State Bar notes, most of this is already stated in Rule 39. Rule 39 is
14 already clear that the defendant must communicate request for interview to the
15 victim and that the victims may respond through the prosecutor. AVCV adds that
16 "[a] defendant, a defendant's attorney, or any person acting on the defendant's
17 behalf may not contact the victim." The State Bar cites to *State ex rel Dean v. City*
18 *Court, City of Tucson*, 173 Arizona 515 (Ariz. Ct. App. 1993) to support an
19 argument that victims are not protected from contact by a defense attorney and a
20 defendant. The citation is taken out of context. *Dean* held that the Victims' Bill of
21 Rights does not protect a victims' from having to testify at a pretrial hearing. *Id.* at
22 516. *Dean* does not give defense attorneys unfettered access to victims.
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1 **Rule 15.6 Continuing Duty to Disclose; Final Disclosure Deadline;**
2 **Extension**

3 The State Bar asserts that a trial court’s consideration of a victims’
4 constitutional right to a speedy trial before granting an extension to a disclosure
5 deadline is unnecessary due to provisions of Rule 39 and the VBR. *State Bar*, Exh.
6 A at 13-14. Integration requires provisions be placed elsewhere within the rules.
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8 **Rule 16.3 Pretrial Conference**

9 AVCV proposes an amendment to Rule 16.3(d)(2) that reads “after
10 considering the rights and views of the victim, the victim’s right to a speedy trial,
11 and the victim’s right to be present at all proceedings.” Making the amendment
12 proposed consistent with A.R.S. § 13-4435(F), as APAAC suggests, would limit a
13 victim to only being heard regarding their speedy trial rights when other rights may
14 be implicated at a pretrial hearing. *APAAC* at 7. This is inconsistent with A.R.S. §
15 13-4437(A), giving victims standing “to seek an order, to bring a special action or
16 to file a notice of appearance in an appellate proceeding, seeking to enforce any
17 right to challenge an order denying any right.” The State Bar argues that AVCV’s
18 proposed amendment is an effort to elevate victims to the status of parties. *State*
19 *Bar*, Exh. A. MCPD/AACJ argue that AVCV is creating new rights for victims at
20 the cost of a defendant’s due process rights. MCPD/AACJ at 7. AVCV’s
21 intention is to clarify the scope of a pretrial conference to include that a court may
22 set additional pretrial conferences and evidentiary hearings as appropriate.
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Rule 16.4 Dismissal of Prosecution

AVCV's proposed amendments to Rule 16.4 include adding a provision to Rule 16.4(a) that would require a trial court to consider the views of the victims before granting the State's motion to dismiss a prosecution. APAAC and the State Bar both expressed concern that a consideration of the views of the victim inserts the court in the State's decision whether or not to go forward or to dismiss a case. APAAC at 7-8; *State Bar*, Exh. A. However, even before AVCV's proposed amendment, the court is already inserted in that decision and appears to have discretion to either grant or deny the State's motion. *See* Ariz. R. Crim. P. 16.4(a) ("the court may order a prosecution dismissed..."). Allowing a victim to be heard before a prosecution is dismissed will give effect to a victim's constitutional right to justice and due process. Ariz. Const. art. I, § 2.1(A). Considering the views of the victim does not require any court to agree with the victim, but to merely consider their constitutional rights to justice and due process.

AVCV also proposes a similar amendment to Rule 16.4(d) that would require the trial court to consider a victim's constitutional right to justice and due process before dismissing a case with prejudice. APAAC and the State Bar caution that is a purely legal determination which must weigh all of the factors that bear on the issue, but that a victim's right to justice and due process should be inherent in an interest of justice determination. *Id.* AVCV does not direct the

court to agree with the victim, but to provide mere consideration of the victim's rights before a decision, one that generally can't be undone, is made.

Rule 31. Suspension of These Rules; Suspension of an Appeal; Computation of Time; Modifying a Deadline

The State Bar opposes AVCV’s proposed modification to include a consideration of victims’ rights before an appeal is suspended. *State Bar*, Exh. A at 14-15. It argues there are “no *specific, unique, peculiar* right created by the VBR with respect to whether or not an appellate court should suspend an appeal.” *Id.* at 15 (emphasis in original). Yet, victims do have constitutional right to a prompt and final conclusion of the case after conviction and sentence. Ariz. Const. art. II, § 2.1(A)(10). Thus, it is appropriate for the views of the victim to be considered.

Conclusion

For the reasons set forth in this reply and AVCV's petition, it is respectfully requested that this Court fully integrate victims' rights throughout the rules of procedure and repeal Rule 39.

Respectfully submitted June 3, 2019.
ARIZONA VOICE FOR CRIME VICTIMS

BY: /s/
COLLEEN CLASE